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S/CT FOR REAP

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SUBJECT: NIGERIA: 2002 ANNUAL TERRORISM REPORT

REF: STATE 201772

1. (U) Post provides the following input for the 2002 Annual Terrorism Report. The information is keyed to the questions asked in REFTEL:

A. (U) Civilian rule returned to Nigeria with the inauguration of Olusegun Obasanjo as President in May 1999. Since his inauguration, President Obasanjo has pursued an active international agenda commensurate with Nigeria's perception of its role as a leader in both continental and world affairs. As such, Nigeria has established a balanced foreign policy that coincides with USG interests in many important respects.

(U) President Obasanjo's government was among the first to send condolences after the September 11 attacks. More importantly, Nigeria steadfastly and publicly lent its diplomatic support to Coalition efforts against the Taliban and Al Qaeda despite the domestic political ramifications of being home to Africa's second largest Muslim population. The GON backed UN Resolutions 1267, 1333 and 1368 and has initiated legislative and regulatory steps to shore up its anti-money laundering regime in order to fight terrorism. The New Partnership for African Development (NePAD), an organization founded by Obasanjo and other African Heads of State, has condemned terrorism and called for concrete measures to be taken by African states to combat the scourge. Nigeria is signatory to three UN counter-terrorism conventions and is reviewing other UN conventions with the view of acceding to these instruments.

(U) Nigeria also has taken on a leading role in making counter-terrorism an important issue in West Africa, the sub-region where Nigeria's diplomatic and political influence is most pronounced.

B. (U) Judiciary: There have been no known acts of terrorism nor criminal prosecutions of terrorists during the year. While current criminal law does not contain many specific anti-terrorism provisions, the penal code does proscribe acts of violence, which includes terrorism. Because President Obasanjo has given terrorism a high priority, the GON is moving quickly to draft improved terrorism legislation. Likewise, the judiciary probably would prosecute diligently any cases of terrorism and would cooperate with the USG in prosecution despite some of the institutional shortcomings of the judiciary, i.e. understaffing, corruption, lack of equipment, large caseloads and inadequate pay.

C. (U) Extradition: The GON did not extradite any suspected terrorists or request extradition of any terrorists during the year.

D. (U) Possible Impediments to Prosecution/ Extradition: There are no known legal impediments to prosecution or extradition of suspected terrorists. However, members of both the police force and the judiciary have been susceptible to corruption in the past. Given the high-level GON focus on counter-terrorism, it would be difficult for corrupt practices to impede the

prosecution or extradition of any high-visibility terrorism cases.

1E. (U) Other Responses: The GON has enacted legislation, the Anti-Terrorism, Economic and Financial Crimes Commission Act, containing explicit criminal sanctions against both terrorism and terrorist financing. Not only does the Act expressly prohibit terrorism; it establishes an inter-agency commission with the mandate to coordinate GON anti-terrorist activities.

In view of Nigeria's importance as an oil exporter, the establishment of the Niger Delta Security Commission (NDSC) was aimed to protect important American and other foreign economic interests in Nigeria. The NDSC's mission is to enhance the security of oil installations against possible terrorist attacks. While the NDSC's mandate is laudable, the effectiveness of the Commission is uncertain.

(U) The Central Bank of Nigeria has been helpful in circulating lists of terrorist organizations. The CBN has promised to confiscate terrorist assets should they be discovered. To date, no terrorist assets have been discovered. Unfortunately, institutions with responsibilities for fighting terrorist financing are weak. In December, under pressure from the Financial Action Task Force (FATF), the GON enacted several new laws to strengthen regulatory institutions. Although the threat of imminent FATF sanctions was necessary to push the National Assembly into action, the legislation demonstrates the GON's commitment to fighting money laundering and other financial crimes.

1F. (U) International Fora: The GON has given clear diplomatic support in the UN and within the Economic Community of West African States to counter-terrorism. President Obasanjo also worked to include anti-terrorism as a major aspect of the New Partnership for African Development (NePAD).

1G. (U) The GON does not support international terrorism or terrorists. The GON clearly and repeatedly has condemned terrorism and followed up with concrete actions. However, some individuals and private groups in Nigeria have ties to and perhaps receive funding from sources in Sudan, Iran, Pakistan and Libya. It is possible that some of these individuals or groups may have indirect links with extremist or terrorist organizations. There has been one report of a Nigerian national fighting for the Taliban/Al-Qa'ida in Afghanistan. The GON does not condone any such ties to terrorist groups.

1H. (U) Public Statements: The GON has made no public statements supporting terrorism or any terrorist group. All GON statements have been against terrorism.

1I. (U) Change in Posture: The GON has continued to be vocal in its opposition to terrorism.

1J. (U) Bilateral Cooperation: The Central Bank of Nigeria (CBN) responded quickly to USG requests to identify and freeze terrorist assets if found in Nigeria. The CBN issued a Call Circular requiring all banks to identify any terrorist entities listed in Executive Order 13224. The CBN has amended the list several times to reflect USG additions. Although no assets have been found to date, the CBN requires banks within its jurisdiction to continuously monitor accounts. The CBN also has implemented stricter customer identification procedures that require banks to maintain sufficient information about customers and correspondent financial institutions.

(U) By establishing the NDSC to protect oil installations from

terrorist activity the GON is protecting U.S. economic and commercial interests.

(U) In general, the Nigerian Police and other security forces have cooperated, within the limitations of their capabilities, in combating terrorism and in protecting American citizen residents, USG personnel and USG installations.

¶K. (U) The U.S. Government has not sought the cooperation of the GON in the investigation or prosecution of an act of international terrorism in the past five years.

¶L. (U) Prevention of Terrorism: As stated in section J, GON security agencies have cooperated in protecting U.S. citizens and interests from possible acts of terrorism. For example, the GON has provided enhanced and ongoing security for the Embassy and its related agencies and has given high priority to information sharing for security purposes.
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